

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

L.P.O.E., Inc., a Minnesota Corporation;
Down In the Valley, Inc., a Minnesota Corporation;
Disc and Tape, Inc., a Minnesota; and,
Hideaway LLC., a Minnesota Corporation,

Plaintiffs,

**AFFIDAVIT OF TOM
TEPLEY**

vs.

Civil Case No. 10-CV-4944
PJS/LIB

The United States Drug Enforcement Administration,
U.S. Department of Justice; and its
Deputy Director, D.E.A., Michele M. Leonhart

Defendants.

STATE OF MINNESOTA)
) SS
COUNTY OF CLAY)

Tom Tepley, being first duly sworn on oath, hereby deposes and says the following:

1. I am the President of Disc and Tape, Inc., a Plaintiff in the above-entitled matter.
2. Plaintiff operates stores doing business as "Discontent", owned by "Disc and Tape, Inc.," at 815 Main Avenue in the city of Moorhead, 153 Division Street in the city of Waite Park, and 306 Demers Avenue in the city of East Grand Forks..
3. Disc and Tape, Inc. sells tobacco, pipes, tobacco accessories, apparel, gifts and various novelties.
4. I have reviewed the U.S. Drug Enforcement Agency's Notice of Intent, 21 CFR Part 1308 [Docket No. DEA-345N], purporting to outlaw "synthetic cannabinoid."
5. Last year, the incenses that appear to be prohibited by the Notice of Intent have accounted for approximately 40% of the store's total sales for a total of \$1,100,000.

6. Currently, the sale of incense is 57% of my sales and I would lose over \$6,000 a day in sales if I had to stop selling the product.

7. If my business were to suffer an immediate 40% loss in sales it could not survive; I would be forced to let 16 employees go, raise health insurance premiums or cease health benefits for my employees and close two stores within three months.

8. I execute this affidavit in support of the attached motion for preliminary injunction and temporary restraining order.

Tom Tepley
s/Tom Tepley
Tom Tepley

Sworn to and subscribed before me
this 22 day of December, 2010.

Emily S. Hagen
Notary Public

